

E-filing

Eugene Terrell
439 Douglas Avenue
Oakland, Ca. 94603

FILED

MAR - 4 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

TFP
NR
CS

ADR

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

Eugene Terrell,

Engineering Theoretical Technologies
Research & Development Publications
(ETT-R&D Publications)
439 Douglas Avenue, Oakland, Ca. 94603,

Plaintiff,

vs.

State of California Office of the Attorney
General Edmund G. Brown Jr.

Office of the District Attorney;
1225 Fallon Street, Room 900,
Oakland, CA 94612

Office of the United States Attorney,
Attorney General Michael Mukasey;

Office of the United States Attorney,
1301 Clay Street, Suite 340S,
Oakland, CA 94612

Defendants

Case No.:

C08-01273

**MOTION AND NOTICE FOR
WRIT OF POSSESSION
MANDATORY INJUNCTIVE RELIEF**

Demand: \$4,185

FCRP 56, Calif.Code.Civ.Proc.
Section 525 - 534, Ca Civ Pro §
512.020(a), CCP 699.080, CCP
715.040

42 U.S.C. 1983, US Constitutional
14th Amendment Rights

California CIVIL CODE SECTION -
52.1. (a) and (b)

JURISDICTION; TITLE 28 PART IV
CHAPTER 89 Section 1443 (1) (2)

VENUE; TITLE 28 PART IV CHAPTER
87 Section 1391 (b) (1), (e) (1)

Dated this 28th day of February, 2008

Eugene Terrell

Attorney - In Pro Per; Eugene Terrell

439 Douglas Avenue
Oakland, Ca. 94603
Ph: 510-636-9885

GO 44 SEC. 4
NOTICE OF ASSIGNMENT
TO MAGISTRATE JUDGE

1 Notice is hereby given to all parties that on or before 31st of
2 March 2008 or as soon as the Motion for WRIT OF POSSESSION
3 MANDATORY INJUNCTIVE RELIEF can heard, {brought before the
4 Justices of the US District Court for the Northern District of
5 California} in which the Plaintiff seeks an Order for relief.
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INTRODUCTION

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3 I, the Plaintiff, was continuously asking for help, in all
4 matters concerning the false charge of Domestic Violence. In
5 fact, I tried, in every way, not to do anything without
6 permission, either from Hayward Police Department, or California
7 Family Court Services. Moreover, I contacted the Office of the
8 United States Attorney and Federal Bureau of Investigation, to
9 report matters pertaining to Racial Discrimination. However, in
10 all situations, it did not seem to matter, because I was either
11 arrested or threaten with harm.

12
13 Nevertheless, I was unemployed, living in a Hotel in Hayward,
14 and had very little cash reserves. In fact, I had only recently
15 lost my position, as a Help Desk Representative for a Computer
16 Company, in San Mateo California. Nonetheless, I contacted a
17 former employer, a Security Company in San Francisco, ask for
18 employment, and received a job offer as an Armed Security
19 Officer. Yet, all of my equipment was still in my apartment,
20 where Ms. Christine San Pedro was now living. So, I requested,
21 and received, a Civil Stand-by from Hayward Police Department.
22 And while I informed the desk officer of my equipment needs, my
23 weapons, vest, and all of the miscellaneous gear, and followed
24 the police orders, parking and waiting in my vehicle near Winton
25 Avenue, until the Police arrived. When the Police Officers did

1 arrive, I was escorted, with Ms. San Pedro's permission, into my
2 apartment, and then, without provocation, I was Arrested.

3
4 In other words, at the time, I had been to court at least once,
5 and Ms. San Pedro had been given custody of our child, Yahnay
6 Kristine Terrell, and even thought it was known, she had at
7 least one Husband. Ms. San Pedro had requested and received a
8 Restraining Order, claiming that she was in Fear for her Life;
9 afraid that I was going to do harm to herself and her children.

10
11 Needless to say, I was confused, and because I was certified
12 under California Penal Code Section 832. I inquired of the
13 Arresting Officer, what I had done for my Arrest to be possible,
14 or legal, for that matter. In other words, I had asked for, and
15 received a Civil Stand-by from Hayward Police Department. And I
16 followed all of their instructions, which included informing the
17 Desk Officer that I needed my weapons, vest, and security
18 equipment for a position of employment. Now, I ask the Justices
19 of the Court. If the Police believe Ms. San Pedro allegations,
20 why didn't they tell me? Why didn't just tell me I could not
21 have my Security gear, and ask that I surrender my weapons to
22 them? Clearly, if they had done this, I would have given it to
23 them, because I did not want any trouble. I just needed a JOB!
24 And in truth, I would not have done anything to chance the
25 possibility of loosing my parental rights.

PARTIES

1) Plaintiff; Eugene Terrell, owner and Principle Director of Research and Development, since 1994, of Engineering Theoretical Technologies - Research and Development Publications.

2) Defendant(s) ;

a. United States Government

1) Federal Bureau of Investigation

2) Special Agent Jim R. Freeman

3) Office of the United States Attorney

b. State of California

c. City of Hayward

1) Hayward Police Department

2) Diana Davis (HPD Dispatcher)

3) Police Officer Edwards

4) Police Sgt. Camara

5) Police Officer Nishita

LEGAL BACKGROUND

"The Equal Protection Clause of the 14th amendment of the U.S. Constitution prohibits states from denying any person within its jurisdiction the equal protection of the laws.

See U.S. Const. amend. XIV.

In other words, the laws of a state must treat an individual in the same manner as others in similar conditions and circumstances. A violation would occur, for example, if a state prohibited an individual from entering into an employment contract because he or she was a member of a particular race.

The equal protection clause is not intended to provide "equality" among individuals or classes but only "equal application" of the laws. The result, therefore, of a law is not relevant so long as there is no discrimination in its application. By denying states the ability to discriminate, the equal protection clause of the Constitution is crucial to the protection of civil rights. See Civil Rights and Discrimination.

Generally, the question of whether the equal protection clause has been violated arises when a state grants a particular class of individuals the right to engage in activity yet denies other Individuals the same right."

1 FACTUAL BACKGROUND

2

3 Hayward Police Officers arrested the Plaintiff, after requesting
4 and receiving a Civil Stand-by to obtain the equipment for a
5 position as an Armed Security Officer. The Police Officers,
6 while Arresting the Plaintiff, while in the apartment, did in
7 fact confiscate all of the Plaintiff weapons.

8

9 In other words, prior to the Court Order, issued by Superior
10 Court Justice Dawn B. Girard, was ever issued; Hayward Police
11 Officer had confiscated all of the Plaintiffs weapons. And by
12 the time the Plaintiff was allowed to go to his apartment, it
13 was clear that the Plaintiff's Office had been searched. In
14 fact, the Plaintiff found Ammunition beside the front door of
15 the apartment, when in fact; the Plaintiff had a special place
16 for the Boxed Ammunition, which was on top of the Book Case in
17 his Office.

18

19 Clearly, any Judicial Notice reading of the Court Order to
20 confiscate the Plaintiff's weapons, which was issued by Judge
21 Dawn B. Girard, the format of it's writing is suspicious. It
22 appears as if the Judge was attempting to protect, and cover up
23 the Illegal Operations of Hayward Police Department, an act
24 which was in Furtherance of the Criminal Conspiracy, maintained
25 by the Police against the Plaintiff.

CLAIMS FOR RELIEF

Revival of the Items Confiscated

1) California Code of Civil Procedure - SECTION 512.010-512.120

a) WRIT OF EXECUTION - Items Confiscated by Hayward Police

1) (1) Smith and Wesson 357 Revolver* - \$1,114.00 & tax

2) (1) Sig Sauer P226 Automatic Pistol* - \$920.00 & tax

3) (3) Walther .380ACP Automatic Pistol - \$1668.00 & tax

4) (1) Raven Arms MP-25 Auto Pistol - \$250.00 plus tax

b) Or the Sum, equaling the current cost to replace these

Items - \$3,396 plus tax ≈ \$4,185

Note: This Pistol, the 'Walther .380ACP Automatic Pistol', was not reported as being confiscated. In fact, I was not allowed to SIGN OFF on the Items Confiscated. Furthermore, this was the THIRD purchase of the 'Walther .380ACP Model', because my first Pistol was Confiscated some 6 years prior, by Hayward Police Officers, after I reported Stopping a Robbery Assault, less than 100 feet, at the Traffic Light, from the Police Station. The second weapon purchase was stolen, some 3 years prior, and reported to the Police Department. In fact, my call to Hayward Police, assisted in the capture of the Person, that stole the Weapon. {All Weapons purchased at; 'Traders Sporting Goods', 685 E 14th St, San Leandro California.}

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court issues an Order to the State of California, the City of Hayward, and Hayward Police Department to:

- 1) Return to the Plaintiff all of the items confiscated, or pay to the Plaintiff the Sum, equaling the current cost to replace these items; which - \$3,396 plus tax ≈ \$4,185.
- 2) And if, upon any finding of Fact that Discrimination is indeed the prevalent issue. The Plaintiff request that the Court Penalize the Named Defendants as prescribed by California CIVIL CODE SECTION - 52.1. (a) and (b), which requires each of the Defendants to pay \$25,000 to the Plaintiff.

1 Supplemental - Table of Authority

2
3 U.S. Codes / Federal and California State Laws

4
5 US Constitutional 4th and 5th Amendment Rights

6
7 Amendment IV

8 Note: I was certified under California Penal code Section 832.
9 Furthermore, I called the Police and ask that they escort Mrs.
10 Christine San Pedro from my apartment, because she said; "... I'm
leaving you in 2 months, because I have another man." So. Where
is the Probable cause?

11 The right of the people to be secure in their persons, houses,
12 papers, and effects, against unreasonable searches and seizures,
13 shall not be violated, and no warrants shall issue, but upon
14 probable cause, supported by oath or affirmation, and
15 particularly describing the place to be searched, and the
16 persons or things to be seized.

17
18 Amendment V

19 Note: I have never been before the Court for the Illegal use of
20 a Gun, or any other weapon for that matter. So. How can my work
tools be confiscated, and maintained, without Due Process?

21 No person shall be held to answer for a capital, or otherwise
22 infamous crime, unless on a presentment or indictment of a grand
23 jury, except in cases arising in the land or naval forces, or in
24 the militia, when in actual service in time of war or public
25 danger; nor shall any person be subject for the same offense to

1 be twice put in jeopardy of life or limb; nor shall be compelled
2 in any criminal case to be a witness against himself, nor be
3 deprived of life, liberty, or property, without due process of
4 law; nor shall private property be taken for public use, without
5 just compensation.

6 7 Case Law Decisions

8
9 Weeks v. United States, 232 U. S. 383 (1914)

10 ELKINS V. UNITED STATES, 364 U. S. 206 (1960)

11 WOLF V. COLORADO, 338 U. S. 25 (1949)

12
13 Specifically note, while there has been many injustices
14 committed against the people by the Government, and given that,
15 it is not my desire or wish, to see anyone unjustly punished.
16 However, I am well aware, the very nature of the animal
17 instincts for survival, in all of us, prevents anyone from ever
18 claiming absolute innocence, or the righteous indignation liken
19 to some Religious Sect claiming the knowledge and the beliefs in
20 God. In other words, there does not seem to ever have been a
21 Case of Record, in which a wrongful punishment was acknowledged,
22 and the Government admitted that a Constitutional Violation had
23 been made. Hence, I believe this case will probably set
24 precedence. Even still, what should be quite clear to the
25 Justices of the Court however, is that, the Complaint outlined
by this Motion is indeed, a 14th Amendment Constitutional Right

1 Violation. In any case, the closest case of record I could find,
2 is given below:

3
4 U.S. Supreme Court - MAPP v. OHIO, 367 U.S. 643 (1961)
367 U.S. 643 - MAPP v. OHIO.
5 APPEAL FROM THE SUPREME COURT OF OHIO. - No. 236.
6 Argued March 29, 1961. -- Decided June 19, 1961.

7
8 There are those who say, as did Justice (then Judge) Cardozo,
9 that under our constitutional exclusionary doctrine "[t]he
10 criminal is to go free because the constable has blundered."
11 People v. Defore, 242 N. Y., at 21, 150 N. E., at 587. In some
12 cases this will undoubtedly be the result. 9 But, as was said in
13 Elkins, "there is another consideration - the imperative of
14 judicial integrity." 364 U.S., at 222. The criminal goes free,
15 if he must, but it is the law that sets him free. Nothing can
16 destroy a government more quickly than its failure to observe
17 its own laws, or worse, its disregard of the charter of its own
18 existence. As Mr. Justice Brandeis, dissenting, said in Olmstead
19 v. United States, 277 U.S. 438, 485 (1928): "Our Government is
20 the potent, the omnipresent teacher. For good or for ill, it
21 teaches the whole people by its example. ... If the Government
22 becomes a lawbreaker, it breeds contempt for law; it invites
23 every man to become a law unto himself; it invites anarchy." Nor
24 can it lightly be assumed that, as a practical matter, adoption
25 of the exclusionary rule fetters law enforcement. Only last
year this Court expressly considered that contention and found
that "pragmatic evidence of a sort" to the contrary was not
wanting. Elkins v. United States, supra, at 218.

1 The ignoble shortcut to conviction left open to the State tends
2 to destroy the entire system of constitutional restraints on
3 which the liberties of the people rest. 11 Having once
4 recognized that the right to privacy embodied in the Fourth
5 Amendment is enforceable against the States, and that the right
6 to be secure against rude invasions of privacy by state officers
7 is, therefore, constitutional in origin, we can no longer permit
8 that right to remain an empty promise. Because it is enforceable
9 in the same manner and to like effect as other basic rights
10 secured by the Due Process Clause, we can no longer permit it to
11 be revocable at the whim of any police officer who, in the name
12 of law enforcement itself, chooses to suspend its enjoyment. Our
13 decision, founded on reason and truth, gives to the individual
14 no more than that which the Constitution guarantees him, to the
15 police officer no less than that to which honest law enforcement
16 is entitled, and, to the courts, that judicial integrity so
17 necessary in the true administration of justice. The judgment of
18 the Supreme Court of Ohio is reversed and the cause remanded for
19 further proceedings not inconsistent with this opinion.

20 Weeks v. United States, 232 U. S. 383 (1914)

21 Syllabus

22 Under the Fourth Amendment, Federal courts and officers are
23 under such limitations and restraints in the exercise of their
24 power and authority as to forever secure the people, their
25 persons, houses, papers and effects against all unreasonable
searches and seizures under the guise of law.

1 The protection of the Fourth Amendment reaches all alike,
2 whether accused of crime or not; and the duty of giving it force
3 and effect is obligatory on all entrusted with the enforcement
4 of Federal laws.

5 The tendency of those executing Federal criminal laws to obtain
6 convictions by means of unlawful seizures and enforced
7 confessions in violation of Federal rights is not to be
8 sanctioned by the courts which are charged with the support of
9 constitutional rights.

10 The Federal courts cannot, as against a seasonable application
11 for their return, in a criminal prosecution, retain for the
12 purposes of evidence against the accused his letters and
13 correspondence seized in his house during his absence and
14 without his authority by a United States marshal holding no
15 warrant for his arrest or for the search of his premises.

16 While the efforts of courts and their officials to bring the
17 guilty to punishment are praiseworthy, they are not to be aided
18 by sacrificing the great fundamental rights secured by the
19 Constitution.

20 NOTE: I was never given, nor was there ever a Warrant issued,
21 that would allow for, or provide the legal grounds
22 Authorizing / Justifying any Search, and or, Seizure of my
23 Property. And more importantly, there was No Crime or
24 Criminal Trial involving the use of a Weapon, which would
25 Justify this Criminal Act. In fact, I had an offer for a
JOB, a position of employment as an Armed Security
Officer. In fact, I was missing at one weapon, which was
not to mentioned in the Police Incident Report.

1 State of California; CIVIL CODE SECTION 43-53

2 Section 52.1

3
4 (a) If a person or persons, whether or not acting under color
5 of law, interferes by threats, intimidation, or coercion, or
6 attempts to interfere by threats, intimidation, or coercion,
7 with the exercise or enjoyment by any individual or individuals
8 of rights secured by the Constitution or laws of the United
9 States, or of the rights secured by the Constitution or laws of
10 this state, the Attorney General, or any district attorney or
11 city attorney may bring a civil action for injunctive and other
12 appropriate equitable relief in the name of the people of the
13 State of California, in order to protect the peaceable exercise
14 or enjoyment of the right or rights secured. An action brought
15 by the Attorney General, any district attorney, or any city
16 attorney may also seek a civil penalty of twenty-five thousand
17 dollars (\$25,000). If this civil penalty is requested, it shall
18 be assessed individually against each person who is determined
19 to have violated this section and the penalty shall be
20 awarded to each individual whose rights under this section are
21 determined to have been violated.
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1 (b) Any individual whose exercise or enjoyment of rights
2 secured by the Constitution or laws of the United States, or of
3 rights secured by the Constitution or laws of this state, has
4 been interfered with, or attempted to be interfered with, as
5 described in subdivision (a), may institute and prosecute in his
6 or her own name and on his or her own behalf a civil action for
7 damages, including, but not limited to, damages under Section
8 52, injunctive relief, and other appropriate equitable relief to
9 protect the peaceable exercise or enjoyment of the right or
10 rights secured.

11
12
13 California Constitution

14 Article 1 - Declaration of Rights - Section 28

15
16 The rights of victims pervade the criminal justice system,
17 encompassing not only the right to Restitution from the
18 wrongdoers for financial losses suffered as a result of criminal
19 acts, but also the more basic expectation that persons who
20 commit Felonious acts causing injury to innocent victims will be
21 appropriately detained in custody, tried by the courts, and
22 sufficiently punished so that the public safety is protected
23 and encouraged as a goal of highest importance.
24
25

Evidence Section

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Christine M. San Pedro 24429 Soto Rd. Hayward, Ca 94544		TELEPHONE NO.: 	FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		ALAMEDA COUNTY 1225 FALLON STREET OAKLAND, CA 94612	
PERSON TO BE PROTECTED: Christine M. San Pedro PERSON TO BE RESTRAINED: Eugene Terrell		<input type="checkbox"/> PETITIONER/PLAINTIFF <input type="checkbox"/> RESPONDENT/DEFENDANT <input type="checkbox"/> PETITIONER/PLAINTIFF <input type="checkbox"/> RESPONDENT/DEFENDANT	
RESTRAINING ORDER AFTER HEARING (CLETS) (Domestic Violence Prevention)		CASE NUMBER: 758699-c # 42	

This form may be used in conjunction with the Findings and Order After Hearing form (rule 1296.31) if the court makes additional orders.

- his proceeding was heard
 on (date): **NOV 09 1995** at (time): **8:30 am** in Dept.: **3** Room: _____
 by judge (name): ☐ Temporary Judge
2. a. ☐ Petitioner/plaintiff and respondent/defendant were personally present at the court hearing. No additional proof of service of these restraining orders is required.
- ☒ Petitioner/plaintiff was personally present and proof of service of the Order to Show Cause was provided.

THE COURT FINDS

3. a. The restrained person is (name): **Eugene Terrell**

Sex: ☒ M ☐ F Ht.: _____ Wt.: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____ Date of birth: _____

- b. The protected person is (name): **Christine M. San Pedro**

- c. The protected family and household members are (names): **Yahmay Terrell**

THE COURT ORDERS

THIS ORDER, EXCEPT FOR ANY AWARD OF CHILD CUSTODY OR VISITATION, SHALL EXPIRE AT MIDNIGHT ON
 (date): **11-9-98**

4. The restrained person
- a. shall not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, or otherwise disturb the peace of the protected person ☒ and family or household members.
- b. ☒ shall stay at least **100** yards away from the protected persons and
- (1) ☒ protected person's residence
- (2) ☒ protected person's workplace
- (3) ☒ protected person's children's school or child care
- (4) ☒ other (specify): **Vehicle**
- ☐ except as provided in item 5b (visitation).
- c. ☐ shall immediately move from (address): _____ and take only personal clothing and effects.

- Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.
- Any person subject to a restraining order is prohibited from obtaining or purchasing or attempting to purchase a firearm by Penal Code section 12021. Such conduct may be a felony and punishable by a \$1,000 fine and imprisonment.
- Other violations of this order may also be felonies punishable by fines or imprisonment, or both.

(Continued on reverse)

PERSON TO BE PROTECTED (Name): <u>Sam Pedro</u>	CASE NUMBER:
PERSON TO BE RESTRAINED (Name): <u>Terrell</u>	<u>758699-0</u>

5. a. ☒ Custody of the minor children

Child's name	Physical custody is awarded to (specify name of parent or "joint")	Legal custody is awarded to (specify name of parent or "joint")
(1) <u>Johnny Terrell</u>	<u>Christine San Pedro</u>	<u>Christine San Pedro</u>
(2)		
(3)		
(4)		
(5)		
(6)		

b. Parent without physical custody (name): Eugene Terrell(1) ☒ shall not have visitation(2) ☐ shall have visitation as follows (specify times and conditions, if any):6. ☐ Fees for service of this order by law enforcement agencies are waived.

7. By the close of judicial business on the date of this order, a copy of this order shall be delivered by the protected person to the law enforcement agency having jurisdiction over the residence of the protected person, who shall provide information to assist in identifying the restrained person. Proof of service of this order on the restrained person shall also be provided to the law enforcement agency unless the order shows the restrained person was present in court. The law enforcement agency having jurisdiction over the plaintiff's residence is (name and address of agency):

Oakland Police8. ☐ A copy of this order shall be given to the additional law enforcement agencies listed below as follows:(1) ☒ Person to be protected shall deliver.(2) ☐ Person to be protected's attorney shall deliver.(3) ☐ The clerk of the court shall mail.

Law enforcement agency	Address
<u>Hayward Police Dept.</u>	<u>Redwood</u>

9. Other orders (specify):

Date:

OK
MB

JUDGE OF THE SUPERIOR COURT

This order is effective when made. It is enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of it, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing Restraining Order After Hearing (CLETS) is a true and correct copy of the original on file in the court.

Date:

Clerk, MB

Deputy

San Pedro vs. Terrell # 753699-0

Court orders all weapons possessed or owned by the Defendant to be turned over to the Police Dept. The weapons which have already been confiscated by the Police to be retained in police possession until further Court order. Defendant shall not return to 24409 Soto Rd. Apt. 1 in Hayward until further order. Defendant not to purchase, borrow or possess any weapon until Court allows. Defendant to turn over the key to the Apt. and to the room where alleged weapons have been locked, to the Hayward Police or Alameda Sheriff's Dept, so that police can confiscate the weapons. Court orders matter con'd to 12/8/95 @ 9:30 am in Dept. 3

NOV 10 1995

Date

du
10

DAWN B. GIRARD

Judge of the Superior Ct.

☒ COMPLAINT OR ☐ COMMUNICATION

YOUR NAME: EUGENE Terrell DATE FILED: Dec 5, 1995

HOME ADDRESS: 24409 SOTO ROAD #7 (Restraining Order - vacant Apt)

SISTER 510-569-1435 / 510-537-2410 BUSINESS PHONE: _____

HOME PHONE: _____

SEX: MALE AGE: 44 DATE OF BIRTH: MAY 9, 1951

WHERE DID THIS OCCUR? AT 24409 SOTO RD. #7, Hayward CA 94544

DATE: OCT 27, 1995 TIME: Approx 1930 hours

EMPLOYEES INVOLVED: HPD Dispatcher Ms Diana Davis, HPD Officer Nishita, HPD Officer SGT. CAMERA, HPD Officer EDWARDS, AND THE HPD OFFICE WHO DROVE THE ESCORT VEHICLE FOR THE PRISONER TRANSPORT VEHICLE ON OCT. 28, 1995 (Officer Espinoza & Sgt. Wright)

DESCRIPTION OF INCIDENT: 2 COUNT Felony violation of Penal Code 182.3, violation of Penal Code(s) 236 & 118.1, to include 149pc.

(violated Penal Code(s) 182.2, 236, 118.1, and 136.1)

1. PLEASE PROVIDE THE NAMES, ADDRESSES, AND PHONE NUMBERS OF ANY PERSONS WHO MAY HAVE KNOWLEDGE OF THIS INCIDENT:

NAMES: _____

ADDRESS & PH #: _____

NAMES: _____

ADDRESS & PH #: _____

NAMES: _____

ADDRESS & PH #: _____

STATEMENT

(START THE NARRATIVE ON THIS PAGE AND CONTINUE ON THE BACK.)

I WAS GRANTED A CIVIL STAND BY ON OCT 27, 1995 BY HPD DISPATCHER MS DIANA DAVIS (AFTER TWO ATTEMPTS - BEING GRANTED ONCE & DENIED ONCE). I FOLLOWED HER INSTRUCTIONS BECAUSE I HAD INFORMED HER, THAT I HAD THIS 'NUT' TELLING EVERYONE THAT I WAS GOING TO KILL HER - NONETHELESS, TWO UNITS ARRIVED, ABOUT 15min APART - OFFICER NISHITA WAS FIRST ON THE SCENE - WE MAINTAINED A CONVERSATION; HE SPOKE OF HIS JOB WITH OAKLAND HOUSING AUTHORITY POLICE, AND I DISCUSSED WORKING WITH WESTERN SECURITY BUREAU AS A SECURITY OFFICER.

1)

PERSONNEL COMPLAINTS

All police departments in the State of California are required by law to have a process by which a citizen may make a complaint against police personnel. The information in this pamphlet will assist anyone who has occasion to make a complaint against any Hayward Police personnel. Here are some of the questions we frequently encounter regarding our complaint procedures and processes.

What is a citizen's complaint?

There are two types of personnel complaints. The first is an informal complaint. This complaint is normally handled by the employee's supervisor for minor transgressions and is brought to the employee's attention by the supervisor.

The second type of complaint is the formal complaint. This is for more serious types of transgressions. The formal complaint is lodged with the employee's supervisor, Watch Commander, or Internal Affairs.

Who can make a complaint?

A personnel complaint may be made by anyone. However, if the complainant is under the age of 18, we require that the complainant be accompanied by a parent or an adult.

Hayward Police Department:
ATTN: Sgt. K. Gross AND
'Chief of Police'
Call here

(3)

DATE: October 12, 1995 APPROXIMATE TIME: 15:30 pm hours
Employee involved: HPD Officer(s) COSTAKIS #391 and a UNKNOWN MALE OFFICER
On the ABOVE DATE AND TIME, I, Eugene Terrell, did call #911, HPD Emergency, after Mrs Christina M. San Pedro attempted to forceable take my child (Yahmay K. Terrell) away from me. I had refused temporary ^{custody} of my child to her mother, because two days before she (Mrs Christina M. San Pedro) ^{refused} to except the medication needed by my child. Furthermore, HPD Officer Costakis, #391, ~~he~~ did in fact, order me to surrender my child to Mrs. Christina M. San Pedro, even after I made her aware of my beliefs that Mrs Christina M. San Pedro has a psychological problem, and was telling everyone that I was going to kill her. HPD Officer Costakis said I was lying about my concerns regarding my child's state of health. But, Mrs Christina M. San Pedro has been cited once for leaving a two month old baby (my child) in an unattended vehicle in the parking lot of Price Club, in Hayward, and herself, has told me she has attempted suicide twice. Moreover, it is my belief, that HPD Office Costakis, #391, ~~is~~ is the root of the cause for all of my problems concerning this complaint, to include Mrs. Christina M. San Pedro filing a Restraining Order and lying on several Police reports, Depositions, and making false statements to Police to force it! Note; I made a (verbal) report to the HPD Chief's secretary about this incident.

SCANNED
HAYWARD POLICE DEPARTMENT

INCIDENT REPORT

HAYWARD, CALIFORNIA

TYPE OF CRIME D. BREACHING, Door		NAME (S) TERRELL, EUGENE		PFN AQT500	D.O.B. 5-9-51	RACE B
FOLLOW UP REQUESTED <input type="checkbox"/>		ADDRESS 24409 Soco Road #7 Hayward		WORK PHONE	HOME PHONE N/P	SEX M
NO. PERSONS ARRESTED ADULT <input type="checkbox"/> JUVENILE <input checked="" type="checkbox"/>		NAME (N) SAN PEDRO, CRISTINA MENDOZA		PFN	D.O.B. 5-23-55	RACE O
INVESTIGATIVE SUMMARY SUSPECT STATUS		ADDRESS 24409 Soco Road #7 Hayward		WORK PHONE	HOME PHONE 537-2410	SEX F
IN CUSTODY <input checked="" type="checkbox"/>		NAME (W) OFC. NASHUA		PFN	D.O.B.	RACE
NAMED <input type="checkbox"/>		ADDRESS — HPD IN FILE		WORK PHONE	HOME PHONE	SEX
DESCRIBED <input type="checkbox"/>		NAME (W) SGT. CAMARA		PFN	D.O.B.	RACE
SEEN <input type="checkbox"/>		ADDRESS — HPD IN FILE		WORK PHONE	HOME PHONE	SEX
UNKNOWN <input type="checkbox"/>		TYPE OF PROPERTY: <input checked="" type="checkbox"/> Stolen <input checked="" type="checkbox"/> Recovered <input type="checkbox"/>		CRIME CLASS TRO	BEAT N	CENSUS
SUSPECTS VEHICLE		(1) Currency, Notes, Etc. \$ <input type="checkbox"/>		TYPE OF PREMISES APARTMENT		
TOWED <input type="checkbox"/>		(2) Jewelry and Precious Metals \$ <input type="checkbox"/>		TOOLS-WEAPONS-MEANS USED Body		
DESCRIBED <input type="checkbox"/>		(3) Clothing and Furs \$ <input type="checkbox"/>		POINT OF ENTRY Front Door		
SEEN <input type="checkbox"/>		(4) Locally Stolen Motor Vehicles \$ <input type="checkbox"/>		DATE AND TIME REPORTED 10-27-95 1917		
UNKNOWN <input checked="" type="checkbox"/>		(5) Office Equipment \$ <input type="checkbox"/>		DATE AND TIME OCCURRED DAY OF WEEK 10-27-95 1950 FRI		
EVIDENCE		(6) Televisions, Radios, Stereos, Etc. \$ <input type="checkbox"/>				
FINGERPRINTS <input type="checkbox"/>		(7) Firearms \$ <input type="checkbox"/>				
PHOTOS <input type="checkbox"/>		(8) Household Goods \$ <input type="checkbox"/>				
COMPOSITE <input type="checkbox"/>		(9) Consumable Goods \$ <input type="checkbox"/>				
OTHER <input checked="" type="checkbox"/>		(10) Livestock \$ <input type="checkbox"/>				
STOLEN PROPERTY		(11) Miscellaneous \$ <input type="checkbox"/>				
SERIALIZED <input type="checkbox"/>		LOCATION OF OCCURRENCE (include nearest address) 24409 Soco Road #7				
DELETABLE <input type="checkbox"/>		SUSPECT DESCRIPTION				
NOTED <input type="checkbox"/>		SUSPECTS STATUS				
NO LOSS <input checked="" type="checkbox"/>		SUMMARY				
VICTIMS INJURIES		NARRATIVE				
VICTIM INJURED <input type="checkbox"/>		PHYSICAL EVIDENCE				
NO INJURY <input checked="" type="checkbox"/>		CRIME SCENE				
VEHICLE USED: YR. MAKE BODY COLOR LIC.		WITNESS ATTEMPTS				
UNKNOWN		WITNESS TESTIMONY				
		SUSPECT STATEMENT				
		SUSPECT RECORD				
		FOLLOW UP				
		CASE STATUS				
PARENTS OR LEGAL GUARDIAN		ADDRESS		HOME & WORK PHONES		SCHOOL
(W) DAVIS, DIANE		(HPD DEPT. CHIEF)				
— HPD IN FILE —						
SEE ATTACHED SHEETS						
POSITION: JUV HALL <input type="checkbox"/> PROTECTIVE CUSTODY (300 W&I) <input type="checkbox"/> NTA <input type="checkbox"/> R & R <input type="checkbox"/> CRISIS RECEIVING HOME <input type="checkbox"/>						
APPROVED BY W						
BADGE 325						
DATE & TIME APPROVED 10-28-95 0336						
REPORT NUMBER 95-31639						
DATE & TIME 10-28-95						
LOW UP ASSIGNED TO						
PAT DET YFSB NARC						

SCANNED

Suspect Description:

Black Male 44 years, 5'6, 145, black, brown.

Suspect Status:

In custody on non release basis for violation of a restraining order.

Summary:

(S)Terrell goes to 24409 Soto Road requesting a civil standby from police in violation of a lawful restraining order.

Narrative:

On 10/27/95 at approximately 1945 I was detailed as a cover unit to 24409 Soto Road to investigate a report of someone requesting a civil standby. Ofc. Nishita arrived onscene at 1950 and I arrived onscene at 1957. On arrival I saw Ofc. Nishita talking with Eugene Terrell in the driveway of the address directly behind apartment 7. As I approached I asked Ofc. Nishita what was going on and simultaneously recognized Terrell. I have been at Terrell's home several times for family disturbances and have dealt with him before. I am also familiar with his wife Christina San Pedro.

Terrell looked at me and said "I remember you!" I asked Terrell what was going on. Terrell told me he wanted to go into the apartment where Christina was and collect some of his clothing so he could look for a job. I asked Terrell if that was all he wanted to get. Terrell replied, "Well, don't freak out but I want to get my handguns out of there too." Terrell added that he thought his wife might have a restraining order against him but wasn't sure. I asked Terrell if he had been served with the restraining order and he replied yes, but insisted that the restraining order gave him permission to come and collect his belongings. I asked Terrell if he had a copy of the order and he said no. Ofc. Nishita went to the apartment and spoke with Christine while I was talking to Terrell. Nishita came back and told me Christine said it was ok for Terrell to come and get his clothing. Thinking that perhaps there was a clause in the restraining order to allow this to happen, I accompanied Terrell into the apartment along with Ofc. Nishita.

Once inside the apartment Christine recognized me and said "hello Officer Edwards". I asked Christine to show me her copy of the restraining order. I reviewed the copy along with the proof of service while Ofc. Nishita went into the s/w bedroom and secured three handguns that Terrell wanted to take with him. As I was reading the order Terrell said to me "Officer Edwards, I'm begging you on my hands and knees, please let me take the guns with me and some of the

SCANNED

clothes!" I thought Terrell's plaintive demeanor was very dramatic and eccentric, and I asked him why it was so important to have the guns. Terrell said he didn't know.

I reviewed the restraining order and found no mention of a time to be set aside for a visit by Terrell to the residence for any reason while the order was in effect. I pointed this out to Terrell and advised him he was under arrest for investigation of violating a restraining order. Terrell then said "you can't do that, you brought me in here!" I pointed out to Terrell that while he was technically correct, the reason we had brought him in was because he had provided us with false information regarding the order. I then placed Terrell in handcuffs and sat him in the rear of my patrol car and requested a supervisor respond to the scene.

Sgt. Camara responded and I described to him the circumstances of what had occurred. Sgt. Camara told me Terrell had been at the front counter at HPD earlier in the afternoon requesting a civil standby at the address. At that time Terrell stated he had a restraining order placed against him by his wife barring him from visiting or calling. Sgt. Camara had the situation explained to him by police clerk Jim Marcus (who was working the front counter at the time) and told Marcus to tell Terrell that the police would not assist him in defying a restraining order. Terrell then left.

Sgt. Camara instructed me to contact radio and find out what Terrell had told dispatch in order to secure a civil standby at the address. After I transported Terrell to HPD Jail I contacted Diana Davis, the HPD dispatcher that took Terrell's call asking for the civil standby. Davis told me Terrell told her over the phone that he was aware of a restraining order against him and stated there was an exclusion in it for him to go to the residence and pick up his personal belongings. Davis had no way of knowing that Terrell was lying and put the detail in for service.

Clearly Terrell had no qualms about providing the police with false information after being told no earlier when he requested a civil standby as observed by Sgt. Camara. I found Terrell's strange behavior on arrival all the more alarming when Terrell's focus turned away from collecting his clothing(as stated in the notes of the original detail) to collecting his firearms, which consisted of three handguns (.357, 9mm, .25). Based on the totality of the circumstances, and the fact the affidavit attached to the restraining order complains of Terrell's bizarre behavior and acts of violence, I felt it necessary to seize all three firearms and place them in the custody of the police department as per 12028.5pc. Additionally, the court needs to be petitioned to seek forfeiture of the weapons from Terrell in order to protect Christine. I also placed a non release on Terrell as I believe there is a strong likelihood that Terrell will continue to violate the order if released.

Physical Evidence:

I placed the three handguns found at the scene into evidence to be held pending a petition to the court to permanently seize them. They consisted of a loaded Sig Sauer P226 9mm semi automatic pistol, a loaded Ravens Arms .25 caliber pistol, and an unloaded Smith and Wesson

SCANNED

.357 magnum. I also attached a copy of the restraining order with this report. A copy of the order and its proof of service was on file with the police department at the time of this incident.

Crime Scene:

24409 Soto Road. Terrell was found by Nishita in the driveway area of this complex not more than forty feet away from the apartment.

Witness Testimony:

Officer Nishita can testify to the narrative of this report. Sgt. Camara can testify to being aware of an earlier request by Terrell for a civil standby and refusing the request because it would be illegal.

Christine San Pedro can testify to being contacted by police and being told her Terrell was downstairs asking to come up, and to showing the order to me (see statement taken by Nishita).

Suspect Statement:

During transport into the police station Terrell told me he was not interested in speaking to me regarding the incident. I did not try to question him further.

Suspect Record:

Terrell is known to corpus/cii for domestic violence and possession of a loaded firearm (see rap).

Case Status:

Cleared by arrest.

SCANNED

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HAYWARD POLICE DEPARTMENT

PROPERTY / EVIDENCE TAG

DATE & TIME: 10-27-95 1950 SUSPECT: TERRELL, EUGENE
 CRIME: 166 PC S.V.I.W. SAN PEDRO, CALIFORNIA
☐ JUV ☒ ADULT DOB _____ S.V.I.W. ADDRESS: _____
☐ PFN _____

TYPE OF EVIDENCE (CHECK ONE BOX ONLY)

☐ FELONY ☒ MISDEMEANOR ☐ SEARCH WARRANT ☐ CIVIL
☐ FOUND PROPERTY ☐ SAFEKEEPING ☐ OBSERVATION

REPORT NUMBER:

ITEM	DESCRIPTION OF PROPERTY - LIST ALL ITEMS SEPARATELY AND COMPLETELY (MAKE, MODEL, SERIAL NO., COLOR, CALIBER, ETC.)	PROPERTY ROOM USE ONLY	
1	Smith & Wesson 6" 586 Revolver 357 Serial # BHC 6413 Black Finish w/ wood handle *Packed in Original Box*		
2	Sig Sauer Model # P226 Semi # U437506 Black Finish 9mm Semi Auto		
3	Raven Arms .25 Cal Model MP-25 Semi Auto		
4	15 ROUNDS 9mm Cartridges; 5 ROUNDS .25 cal. cartridges.		
5	One Sig Sauer P226 clip; One Raven Arms MP-25 clip.		

CHECK APPROPRIATE ENTRY (S)

☐ HELD AS EVIDENCE ☐ PHOTOGRAPHED AND RETURNED
☐ RETURN TO ☐ CSU PROCESSING
☐ DESTROY NOW ☐ RELEASED TO DMV
☐ OUTSIDE AGENCY ☐ U.S. MAIL

SPECIAL PROCESSING/REMARKS: HELD PER 12028 SPC w/ Petition to Court
FOR PERMANENT HOLD
 WAS RECEIPT GIVEN ☒ YES ☐ NO INITIALS OF (S) (V) (I) _____

OFFICER <u>Edwards</u>	BADGE <u>325</u>	REPORT NUMBER <u>95-31639</u>
TECH. OFFICER	BADGE	

*lets
10-28-95*

SCANNED

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[REDACTED]

[REDACTED]

Case Status:

Cleared by arrest.

How can a personnel complaint be made?

A complaint may be made by telephone, by mail, or in person. The complaint may be made at the police department, or another mutually convenient location. The department is primarily interested in learning of your concerns about police misconduct or a need for improvement in our delivery of services.

When can a complaint be made?

A complaint may be made 24 hours a day. During normal business hours the complaint may be submitted to the Internal Affairs Unit at Hayward Police Department by calling 293-7059. After normal business hours, a personnel complaint may be registered with any supervisor or the on-duty Watch Commander, or by calling 293-7051.

What happens after I file a complaint?

The complaint is received and documented. The formal complaint will be investigated by a supervisor and reviewed by the Chief of Police and his staff. The Chief or Division Commander will make the final determination on all formal complaints. The complainant will be notified in writing concerning the disposition of the complaint.

NOTE: I HAVE NOW LOST APPROXIMATELY \$3,000 IN WEAPONS, DUE TO ILLEGAL PROCEDURES EMPLOYED BY HAYWARD POLICE OFFICERS.

WE BOTH WORKED THE ACONN HOUSING COMPLEX IN OAKLAND -
 NEVERTHELESS, I TOLD HIM I NEEDED MY SIG SAUER 9mm, BULLET RESISTANCE
 VEST, WEB GEAR, AND CLOTHING FOR JOB INTERVIEW. HE SAID: I HAVE TO CALL
 FOR BACK-UP IF YOU ARE PICKING UP A GUN - I SAID: "I UNDERSTAND." I ALSO
 TOLD HIM ABOUT TWO OTHER GUNS - HE ASK: "WHY NOT GET ALL 3?" I
 SAID: "I ONLY NEED ONE FOR THE JOB". NEVERTHELESS, OFFICER EDWARDS
 GIVEN ON SITE, AND DETAINED ME UNTIL OFFICER NISHITA RETURNED
 FROM MY APARTMENT WITH PERMISSION (FOR ME TO GET MY ITEMS) AND
 A COPY OF MY RESTRAINING ORDER - AS INSTRUCTED BY OFFICER EDWARDS -
 OFFICER EDWARDS, PRIOR TO THE RETURN OF OFFICER NISHITA, HAD INFORMED
 ME THAT I WAS IN VIOLATION OF MY RESTRAINING ORDER - AND AFTER A VERY
 BRIEF DISCUSSION WITH OFFICER NISHITA, I WAS ESCORTED INTO MY APARTMENT -
 OFFICER EDWARDS ANNOUNCED OVER THE RADIO 5151 - THEN TOLD ME I WAS
 UNDER ARREST FOR VIOLATING MY RESTRAINING ORDER - NOW ON OCT 28, 95
 ANOTHER HPD OFFICER WHO DROVE ESCORT VEHICLE, SQUEEZE MY LEFT TESTICLE

SIGNED BY: _____

REPORT RECEIVED BY: _____

DATE/TIME: _____

(2) SEE ACCOMPANYING CRIMINAL REPORTS



CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

43199

THIS NOTICE CERTIFIES THAT YOU HAVE SUCCESSFULLY COMPLETED THE FOLLOWING COURSE PURSUANT TO SECTION 832(a), PENAL CODE:

COURSE: POWERS OF ARREST

NOTICE NUMBER: A0035363

COURSE LENGTH: 40 HOURS

COMPLETION DATE: March 12, 1993

SSN: 343-44-4565

PRESENTER: OHLONE COMMUNITY COLLEGE

TERRELL, EUGENE
22650 HAIN STREET
HAYWARD, CA 94541-5112

EMPLOYER: YOU MAY PHOTOCOPY THIS NOTICE FOR YOUR RECORDS ONLY
*** THIS ORIGINAL NOTICE IS THE PROPERTY OF THE ADDRESSEE ***

>>>> SEE REVERSE <<<<

NOTICE TO
EMPLOYERS:
APPLICANT
MUST PRESENT
THE ORIGINAL
DO NOT ACCEPT
PHOTOCOPY OF
THIS DOCUMENT

Bureau of Security and
Investigative Services
400 R STREET, SUITE 2000
SACRAMENTO, CA 95814
(916) 445-7366



PERMIT FOR EXPOSED FIREARM
QUALIFIED TO CARRY 38 .357 S&W

PERMIT NO. 115592
THE BEARER MUST POSSESS A VALID
GUARD REGISTRATION CARD
EUGENE TERRELL
24409 SOTO ROAD #7
HAYWARD CA 94544

RECEIPT NO. 00100333
Signature: Eugene Terrell
Date: 03/04/93



STATE OF CALIFORNIA
DEPARTMENT OF
Consumer Affairs

Bureau of Consumer and
Investigative Services
400 R STREET, SUITE 2001
SACRAMENTO, CA 95814-0234
(916) 445-7366

GUARD REGISTRATION
ADDITIONAL PERMIT REQUIRED TO CARRY FIREARM
REGISTRATION G 514886
EUGENE TERRELL
24409 SOTO RD #7
HAYWARD CA 94544

Signature: Eugene Terrell
Date: 03/04/93
RECEIPT NO. 001160

CIVIL COVER SHEET

2:08-CV-1273-EMC
ADE ECF

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS

Eugene Terrell

DEFENDANTS

State of California

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant

- 3 Federal Question
(U.S. Government Not a Party)
- 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

(For diversity cases only)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders Suits 190 Other Contract 195 Contract Product Liability	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury	PERSONAL INJURY 362 Personal Injury Med Malpractice 365 Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth In Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 RR & Truck 650 Airline Regs 660 Occupational Safety/Health 661 Other	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (US Plaintiff or Defendant 871 IRS - Third Party 26 USC 7609	400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities/Exchange 875 Customer Challenge 12 USC 3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	441 Voting 442 Employment 443 Housing 444 Welfare 445 Other Civil Rights	510 Motion to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Condition			

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) 42 USC 1981 & 1983 (Constitution 1, 4, 11, 14)

Amendment Rights - Government's failure to obey the laws

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$850,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "X" IN ONE BOX ONLY)

SAN FRANCISCO OAKLAND

SAN JOSE

DATE March 4, 2008 SIGNATURE OF ATTORNEY OF RECORD

Eugene Terrell